



Attorney's Docket No: C1039.70083US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.  
Serial No.: 10/690,495  
Confirmation No.:  
Filed: October 21, 2003  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES  
  
Examiner: Not yet assigned  
Art Unit: Not yet assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 23 day of February, 2004.

Helen C. Lockhart

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Transmitted herewith are the following document(s):

- ☒ Information Disclosure Statement;
- ☒ PTO Form 1449 (copies of references cited); and
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

Respectfully submitted,

Helen C. Lockhart, Reg. No. 39,248  
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Docket No.: C1039.70083US00  
Date: February 23, 2004  
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DOCKET NO: C1039.70083US00

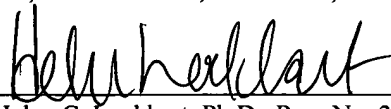
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Helen C. Lockhart, Ph.D., Reg. No. 39,248

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

Docket Number	Serial Number	Filing Date	Inventor(s)
C1037.70013US00	09/776,479	2/2/01	Bratzler et al.
C1037.70016US00	09/009,634	1/20/98	Hutcherson et al.
C1037.70021US00	09/949,194	9/7/01	Peterson et al.
C1037.70025US00	10/017,995	12/14/01	Bratzler
C1037.70038US01	10/735,592	12/11/03	Krieg et al.
C1037.70041US00	10/613,749	7/3/03	Krieg
C1037.70042US00	10/613,524	7/3/03	Krieg
C1037.70043US00	10/613,739	7/3/03	Krieg
C1037.70044US00	10/613,716	7/3/03	Krieg
C1037.70045US00	10/613,228	7/3/03	Krieg
C1037.70046US00	10/455,247	6/5/03	Krieg
C1037.70048US00	10/644,052	8/19/03	Krieg et al.
C1037.70049US00	10/643,141	8/18/03	Hutcherson et al.
C1037.70051US00	10/666,733	9/19/03	Bratzler et al.
C1037.70052US00	10/668,050	9/22/03	Bratzler et al.
C1039.70020US00	09/337,584	6/21/99	Krieg et al.
C1039.70022US00	09/337,893	6/21/99	Krieg
C1039.70021US01	10/719,493	11/21/03	Krieg et al.
C1039.70035US00	09/669,187	09/25/00	Krieg et al.
C1039.70036US00	09/559,140	4/27/00	Noll et al.
C1039.70041US00	09/655,319	9/5/00	Krieg et al.
C1039.70042US00	09/630,319	7/31/00	Krieg et al.
C1039.70043US00	09/629,477	7/31/00	Krieg et al.
C1039.70044US00	09/672,126	9/27/00	Hartmann et al.
C1039.70048US00	09/818,918	3/27/01	Krieg et al.
C1039.70048US01	10/769,282	1/30/04	Krieg et al.
C1039.70049US00	09/824,468	04/02/01	Krieg et al.
C1039.70052US00	09/888,326	6/22/01	Weiner et al.
C1039.70057US00	09/965,101	9/26/01	Davis et al.

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70058US00	10/023,909	12/18/01	Davis et al.
C1039.70060US00	10/112,653	3/29/02	Krieg et al.
C1039.70061US00	10/161,229	6/3/02	Krieg et al.
C1039.70062US00	10/187,489	7/2/02	Krieg et al.
C1039.70063US00	10/224,523	8/19/02	Krieg et al.
C1039.70065US00	10/272,502	10/15/02	Krieg et al.
C1039.70067US00	10/300,247	11/20/02	Davis et al.
C1039.70068US00	10/306,522	11/27/02	Krieg et al.
C1039.70069US00	10/314,578	12/9/02	Krieg et al.
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C1039.70072US00	10/434,696	5/9/03	Davis et al.
C1039.70073US00	10/743,625	12/22/03	Krieg et al.
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C1039.70077US00	10/619,279	7/14/03	Krieg
C1039.70078US00	10/627,331	7/25/03	Krieg et al.
C1039.70079US00	10/627,413	7/25/03	Krieg et al.
C1039.70082US00	10/631,676	7/30/03	Krieg et al.
C1039.70083US01	10/769,626	1/30/04	Krieg
C1039.70084US00	10/649,584	8/25/03	Krieg et al.
C1040.70006US00	09/316,199	5/21/99	McCluskie et al.
C1040.70010US00	09/768,012	1/22/01	Davis et al.
C1041.70002US00	09/241,653	2/2/99	Wagner et al.
C1041.70005US00	09/355,254	7/23/99	Wagner et al.
C1041.70010US00	09/786,436	9/3/99	Wagner et al.
C1041.70016US00	09/954,987	9/17/01	Bauer et al.
C1041.70019US00	10/140,013	5/6/02	Schetter et al.
C1041.70029US00	10/212,133	8/1/02	Lipford et al.
C1041.70031US00	10/265,072	10/5/02	Lipford
C1041.70035US00	10/373,381	2/24/03	Wagner et al.
C1041.70037US00	10/407,952	4/4/03	Lipford et al.
C1041.70040US00	10/666,844	9/19/03	Lipford et al.

Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Arthur M. Krieg et al., *Applicant*

By: 

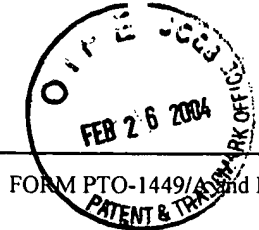
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Docket No. C1039.70083US00

Date: February 23 2004

**XNDDX**

770758



FORM PTO-1449/A and B (Modified)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		APPLICATION NO.: 10/690,495	ATTY. DOCKET NO.: C1039.70083US00
		FILING DATE: October 21, 2003	CONFIRMATION NO.:
		APPLICANT: Arthur M. Krieg et al.	
		GROUP ART UNIT: Not yet assigned	EXAMINER: Not yet assigned
Sheet	1	of	7

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
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	*	3,911,117		Ender	10-07-1975
	*	3,914,450		Robbins et al.	10-21-1975
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	*	4,741,914		Kimizuka et al.	05-03-1988
	*	4,758,553		Ogoshi	07-19-1988
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	*	5,663,153		Hutcherson et al.	09-02-1997
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	*	5,976,580		Ivey et al.	11-02-1999
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	*	6,022,853		Kuberasampath et al.	02-08-2000
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	*	6,191,257		Ledley et al.	02-20-2001
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	*	US 2001/0046967	A1	Van Nest	11/29/2001
	*	US 2002/0028784	A1	Van Nest	03/07/2002
	*	US 2002/0055477	A1	Nest	05/09/2002
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	**	CN	1141740A			02-05-1997	
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#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	**	Anfossi et al. (P.N.A.S., 86, 9, 3379-83, 89, HCAPLUS, AN 1989:475562)		
	**	Agrawal, et al., "Absorption, Tissue Distribution and <i>In Vivo</i> Stability in Rats of a Hybrid Antisense Oligonucleotide Following Oral Administration" <i>Biochemical Pharmacology</i> (1995) 50:4:571-576		
	**	Agrawal, S, "Antisense Oligonucleotides: Toward Clinical Trials", <i>Tibtech</i> (1996) 14:376-387		
	**	Agrawal, S. and Zhang, R., "Pharmacokinetics and Bioavailability of Antisense Oligonucleotides Following Oral and Colorectal Administration in Experimental Animals" <i>Handb. Exp. Pharmacol.</i> (1998) Vol. 131 Antisense Research and Application pp. 525-543		
	**	Agrawal, S. and Zhang, R., "Pharmacokinetics of Oligonucleotides" <i>Ciba Found Symp.</i> (1997) 209:60-78		

FORM PTO-1449/A and B (Modified)				APPLICATION NO.: 10/690,495		ATTY. DOCKET NO.: C1039.70083US00			
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Sheet	5	of	7						

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	**	Azad, Raana F. et al., "Antiviral Activity of a Phosphorothioate Oligonucleotide Complementary to RNA of the Human Cytomegalovirus Major Immediate-Early Region," <i>Antimicrobial Agents and Chemotherapy</i> , (1993) 37: 1945-1954.	
	**	Azuma, I., "Biochemical and Immunological Studies on Cellular Components of Tubercle Bacilli," <i>Kekkaku</i> (1992) 67(9):45-55.	
	**	Blaxter et al., "Genes expressed in <i>Brugia malayi</i> infective third stage larvae," <i>Molecular and Biochemical Parasitology</i> , (1996) 77:77-93.	
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				FILING DATE: October 21, 2003		CONFIRMATION NO.:	
				APPLICANT: Arthur M. Krieg et al.			
				GROUP ART UNIT: Not yet assigned		EXAMINER: Not yet assigned	
Sheet	6	of	7				

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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	**	Tokunaga, "A synthetic Single-stranded DNA, Poly(dG,dC), Induces Interferon-alpha/beta and -gamma, Augments Natural Killer Activity, and Suppresses Tumor Growth," <i>Jpn. J. Cancer Res.</i> (1988) 79(6):682-686.	
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EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\* copies of these patents and patent applications are not enclosed pursuant to the waiver by the USPTO of the requirement under 37 C.F.R. 1.98 (a)(2)(i) for patent applications filed after June 30, 2003.

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\*\*\* a copy of this reference is not provided as it was cited by Examiner in Serial No. 09/415,142 , filed 10/09/99